MT LEGISLATIVE HISTORY

Chapter 147 1967

Bill H _____ (S) 136 Original bill & hist. ___C

H. Committee on Judiciary S. Committee on Judiciary

Hearing Date(s) Feb 16 ✓C Hearing Date(s) Jan 26 ✓C

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Date Out Feb 16 ✓C Jan 26 ✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE JUDICIARY COMMITTEE MEETING -- JANUARY 26, 1967

The meeting was called to order by the Chairman, Senator Dussault. All the members were present.

Senate Bill No. 136 was considered by the committee. Senator Gilfeather made a motion, seconded by Senator Dzivi, that Senate Bill No. 136 do pass. The motion was carried.

Senate Bill No. 184 was then considered by the committee. It was moved by Senator Turnage and seconded by Senator McGowan that Senate Bill No. 184 do pass. The motion was carried.

Senate Bill No. 162 was next considered by the committee. Senator Haughey made a motion, seconded by Senator Turnage, that Senate Bill No. 162 do pass. The motion was carried.

Senate Bill No. 137 was considered by the committee. After consideration, Senator Turnage moved, seconded by Senator Dzivi, that Senate Bill No. 137, as amended, do pass. Before the motion was voted on, Senator Hibbs made a sub-motion, seconded by Senator Rehberg, that Senate Bill No. 137 do not pass. The motion was voted on and was carried.

Senate Bill No. 225 was considered by the committee. A motion was made by Senator McGowan, seconded by Senator Dzivi, that Senate Bill No. 225 do not pass. The motion was carried.

Senate Bill No. 243 was considered by the committee. After consideration, Senator Turnage made a motion, seconded by Senator Gilfeather, that Senate Bill No. 243 be amended as follows: Amend on page 2, Section 2, Subsection (a), being lines 8 and 9 of the original bill, by re-inserting the deleted words "in order to perfect a" and striking the new words "statements pertaining to a"; further amend on page 2, Section 2, Subsection (c), being line 19 of the original bill, by striking the semi-colon and dash ";-" and inserting in lieu thereof a period "."; and further amend on page 2, Section 2, Subsection (d), being lines 20 to 23 inclusive, by striking Subsection (d) in its entirety; and as so amended, do pass. The motion was carried.

After the committee considered Senate Bill No. 118, a motion was made by Senator Turnage, seconded by Senator Dzivi, that Senate Bill No. 118 be amended as follows: Amend on page 1, Section 1, Subsection (2) being line 27 of the original bill, by striking the words "causing likelihood of confusion or of misunderstanding" and inserting in lieu thereof the word "misrepresentations"; further amend on page 1, Section 1, Subsection (3) being line 30 of the original bill, by striking the words "causing likelihood of confusion or of musunderstanding" and inserting in lieu thereof the word "misrepresentations"; and further amend on

JUDICIARY COMMITTEE
February 16, 1967

The House Judiciary Committee met upon adjournment Thursday, February 16, with Vice-Chairman Murphy presiding in the Chairman's absence. All members were present except McCulloch, Hall, Prevost and Mather.

SB 215 was discussed by Senator Siderius, chief sponsor. Rep.Joe Brand also appeared as a proponent. Senator McKeon also spoke briefly on behalf of the bill.

SB 136 was discussed by Sen. Dzivi, chief sponsor.

SB 177 was discussed by Senator Hilling, chief sponsor. Rod Gudgel, Montana State Pharmaceutical Assn., was also a proponent, and he spoke on behalf of Socs Vratis, who could not appear because of illness.

SB 119 was discussed by Sen. Vainio, chief sponsor. Mark Sullivan, County Attorney of Butte, spoke in opposition to this bill.

SB 126 was discussed by Senator Hazelbaker, chief sponsor. Appearing as proponents were Charles Lynch, Director, Montana Aeronautics Commission, and Henry Loble, their attorney.

Senator Dussault appeared to speak about SBs 180 and 181.

Committee action was as follows:

Baeth made a motion that SB 215 be concurred in. The motion failed. Boughton made the motion that SB 215 BE NOT CONCURRED IN. The motion carried, with Harrison, Baeth, Warfield and Stimatz being on record against the motion.

Stratton moved that SB 177 BE NOT CONCURRED IN. Motion carried.

Boughton moved that SB 136 BE CONCURRED IN. Motion carried.

Harrison moved that SB 126 BE CONCURRED IN. Motion carried.

Baeth moved that SB 119 BE CONCURRED IN. Motion carried.

Jensen moved that the committee reconsider its action of yesterday on SB 181. Motion carried. Harrison moved that SB 181 BE CONCURRED IN. Motion carried.

The subcommittee report on SB 71 will be heard tomorrow.

There being no further business, the meeting was adjourned.

James E. Murphy

JAMES E. MURPHY, VICE-CHAIRMAN

aries of said district, consist of five (5) supervisors, elected as provided hereinabove.

In all cases where the boundaries of such soil and water conservation district includes any incorporated municipality or municipalities, said board of supervisors, in addition to said five (5) elected supervisors, shall consist of two (2) appointed supervisors, making a total of seven (7) supervisors in such districts. The two (2) appointed supervisors must be residents of the municipalities within the district. The legislative bodies of the incorporated municipalities within the district shall, after consultation with the elected supervisors, appoint the two (2) additional supervisors. The term of office of the appointed supervisors shall be three (3) years.

Where there are more than two (2) incorporated municipalities within a district then the two (2) appointed supervisors shall represent all the municipalities and urban interests in the district, and no municipality shall have more than one (1) appointed supervisor residing therein.

Chairman of board.

The supervisor shall annually elect a chairman from their members. The term of office of each supervisor shall be three (3) years, except that the supervisors who are first appointed shall be designated to serve for terms of one (1) and two (2) years, respectively, from the date of their appointment. *An elected* supervisor shall hold office until his successor has been elected and has qualified. Any vacancy occurring in the office of *an elected* supervisor shall be filled by appointment by the remaining supervisors until the next regular election, when a successor shall be elected to serve the unexpired term. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for his services, but he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties.

Vacancies.

Quorum.

Officers, qualifications, duties and compensation.

The supervisors may employ a secretary and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation.. The supervisors may call upon the attorney general of the state for such legal services as they may require, or may employ their own counsel and legal staff. The supervisors may delegate to

their chairman, to one or more supervisors, or to one or more agents or employees, such powers and duties as they may deem proper. The supervisor shall furnish to the state soil conservation committee, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as may be required in the performance of its duties under this act.

Supervisors to provide records to state committee.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings, and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. Any supervisor may be removed by the state soil conservation committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

Surety bonds—records—removal of supervisors.

The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county."

Consultation with municipal representatives.

Approved: February 24, 1967.

CHAPTER 147

An Act Amending Section 73-201, R.C.M. 1947, to Provide for Constructive Notice of Instruments and Documents Affecting Title to Real Estate Executed or Recorded Before the Signator Thereto Acquires any Interest in the Concerned or Described Premises.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 73-201, R.C.M. 1947, is amended to read as follows:

Amending clause.

"73-201. **Record—to whom notice—recording copies.** Every conveyance of real property acknowledged or proved, and certified and recorded as prescribed by law,

Record.

from the time it is filed with the county clerk for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees; and a certified copy of any such recorded conveyance may be recorded in any other county, and when so recorded the record thereof shall have the same force and effect as though it was of the original conveyance. *Further, every conveyance and/or encumbrance of real property acknowledged or proved, and certified, and recorded as prescribed by law, and which is executed by one who thereafter acquires an interest in the said real property by a conveyance which said conveyance is constructive notice as aforesaid, is, from the time such latter conveyance is filed with the county clerk for record, constructive notice of the contents of such earlier conveyance and/or encumbrance to subsequent takers, purchasers, mortgagees, or other encumbrances or transferees."*

Notice.

After-acquired interest.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: February 24, 1967.

CHAPTER 148

An Act to Amend Section 28-109, R.C.M. 1947, Relating to the State Board of Forestry; to Provide for the Classification of Additional Lands for Fire Protection Purposes; and to Provide for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 28-109, R.C.M. 1947, is hereby amended to read as follows:

Duty of owner to furnish fire protection.

"28-109. **Duty of owner of classified forest land.** Every owner of forest land classified as such by the board is hereby required to furnish protection against the starting or existence, and to suppress the spread, of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the board.

Protection not provided by owner—remedy.

If such owner does not provide for such protection and suppression, said board may provide the same, at a cost to the land owner of not more than ten cents (10c) per acre per year for Class I land and not more than three

cents (3c) per acre per year for Class II land and in the event thereof, the owner of such land shall pay to the county treasurer of the county in which such land is situated, the charge for the same approved by the board, in accordance with the provisions of this act. No other charges shall be assessed those landowners participating, except in cases of proven negligence on the part of the landowner or his agent.

Negligence of landowner.

The forest land of Montana shall be classified for protection and assessment purposes as follows:

Classification of forest land.

(a) Class I Land. Shall include all forest land primarily suitable for production of timber, forest land primarily suitable for joint use for timber production and the grazing of livestock as a permanent or semipermanent joint use or as a temporary joint use during the interim between logging and reforestation.

Class I.

(b) Class II Land. Shall include all lands primarily suitable for grazing or other agricultural purposes, which are intermingled with or contiguous to the land described in subsection (a), above.

Class II.

(c) Class III Land. Shall include lands primarily suitable for grazing or other agricultural purposes including structures and improvements which are within the forest fire protection areas but not meeting the detailed definitions of lands described in subsection (b), above. These lands may only be listed for payment when requested by the landowner at rates determined by the state forester and shall be submitted to the county assessor for collection and disposition as provided in Section 28-111."

Class III.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved: February 24, 1967.

CHAPTER 149

An Act Amending Section 28-105, R.C.M., 1947, to Require That Before a Forest Fire Protection District May be Created a Hearing Shall be Held After Notice Given to All Owners to be Affected and to Require Approval Thereof by No Less Than 51% of the Owners Represent-